

1 A Not yet.

2 Q One of the areas that you've indicated that you'll be
3 testifying in the case is selected culverts in the case area
4 whose repair or replacement could positively affect
5 anadromous fish populations. So I'd like to focus in on
6 that area right now.

7 A Okay.

8 Q Are there specific portions of the case area that you expect
9 your testimony to cover?

10 A I've told the attorneys that my expertise is primarily WRIA
11 10, and that's where my strongest, you know, background and
12 understanding of blockage issues exists.

13 Q But apparently there's still a question about whether you're
14 going to testify to --

15 A I don't think it's their question. I think I'm assigned a
16 region from the Cedar south -- or excuse me -- yeah, the
17 Cedar south through Nisqually; so Cedar, Green, White,
18 Puyallup, and Nisqually.

19 Q And are you presently familiar with culvert conditions in
20 the Cedar and Green and Nisqually Rivers?

21 A I am not. I have a very vague understanding of those
22 drainage courses.

23 Q And so you -- I guess you plan to study those areas
24 before --

25 A That's correct.

1 Q -- the case? I had some questions with respect to WRIA 15,
2 which is from the Key Peninsula, Gig Harbor, and Islands
3 watershed. Is that an area that you're familiar with?

4 A The Tribe does exercise some U&A over to the Gig Harbor
5 area. Unfortunately, I have a very limited familiarity with
6 it.

7 Q Are there any other areas where you expect to testify about
8 culverts in any other river or stream systems in the case
9 area?

10 A Outside of those just mentioned, no.

11 Q I'd like to talk a little bit about the Pierce County
12 Conservation District inventories that you participated in.

13 My understanding is that you participated in the
14 completion of two watershed fish passage inventory projects
15 with the Pierce County Conservation District.

16 A [The witness nods].

17 Q Is that a "Yes"?

18 A That's correct. Yeah, we contributed funding to it.
19 Actually, wrote a grant trying to get it through the Bureau
20 of Indian Affairs; was not successful there, and passed that
21 grant on to the Conservation District which submitted it, I
22 believe, to the IACS, who funded that study ultimately. I
23 believe that's correct.

24 Q One of these reports concern the Puyallup River watershed or
25 WRIA 10, right?

1 A They own the property.

2 Q And the County has an easement?

3 A Correct. That's my understanding.

4 Q For the 96th Street Wetland, that's Project No. 8, do you
5 know who owns the road and the culvert that's blocking for
6 that particular project?

7 A Yeah. In this case, it's not actually a road. It's just a
8 levee, and it's a County levee.

9 Q The introductory pages -- or the introduction on page one
10 seems to focus on a problem of channelization on the
11 Puyallup River.

12 My understanding is that channelization would restrict
13 the flow of a river into a main channel and then eliminate
14 its ability to spread out into side channels. Is that a
15 fair --

16 A That is fair to say.

17 Q The report seems to indicate that there are over 45 miles of
18 levees on the Puyallup, White, and Carbon Rivers. Has that
19 number changed since this catalog was prepared in 1999?

20 A It has not. I would emphasize the fact that the 45 miles
21 could be construed as 90 miles, though, because it's levees
22 on both sides of the river.

23 Q Okay.

24 A If that makes sense.

25 Q Uh-huh. Yes.

1 A I believe it was Travis Nelson and possibly Don Nauer.

2 Q Do you happen to know how to spell Mr. Nauer's last name?

3 A N-a-u-e-r.

4 Q What was your conversation with WDFW like?

5 A We were trying to express our concern at the likelihood of
6 continued losses of juvenile fish during high-flow periods.

7 Q And what kind of response did you get from Mr. Nelson and
8 Mr. Nauer?

9 A They had a -- they shared the concern.

10 Q Did they commit to do anything about it?

11 A No.

12 Q Do you know whether the South Prairie Creek at State Route
13 162 is on WDFW's Fish-passage Blockage Database?

14 A I do not know.

15 Q So you don't know whether it has a Priority Index?

16 A I do not.

17 Q Okay. Now that we've talked about a few specific culverts,
18 does that help jog your memory as to any other particular
19 State-owned barrier culverts that stand out in your mind?

20 A There's a couple I know of under Highway 410 between
21 Enumclaw and Greenwater, but it's been so long since I've
22 seen them, I honestly don't know their status.

23 Q Any others?

24 A There is another State-owned culvert on the east fork of
25 Hylebos Creek.

1 Q And do you know under what road that would be?

2 A It's Enchanted Parkway. I forget which number that is.

3 Q For the east fork of Hylebos Creek, is that a barrier to
4 fish passage?

5 A It was. I'm told by DOT staff that it was repaired
6 recently. Personally, I have not seen it since the repair.

7 Q Do you know how it was repaired.

8 A I do not.

9 [Exhibit No. 7 marked for identification.]

10 MR. FERESTER: I have just a few more questions
11 and then we can probably take a lunch break.

12 Q [By Mr. Ferester] I've handed you what's been marked
13 Exhibit 7, and I'll represent that this is, in particular,
14 the Puyallup Tribe's response to the State of Washington's
15 Interrogatories No. 81 and 82. And, actually, I'm
16 particularly interested in the Puyallup's response to
17 Interrogatory 82; but because that referred to the answer to
18 81, I've provided both.

19 First of all, do I understand correctly that you helped
20 the Puyallup Tribe answer the State's Interrogatories in
21 this case?

22 A That's correct.

23 Q Did you help prepare this answer to the State's third set of
24 Interrogatories, which would have been last spring?

25 A Which Interrogatory are you referring to?

1 CERTIFICATE

2 STATE OF WASHINGTON)

3) SS

4 COUNTY OF KING)

5 I, Carl T. Beck, a Notary Public in and for the State
6 of Washington hereby certify:

7 That the foregoing deposition was taken before me at
8 the time and place therein set forth;

9 That the witness was by me first duly sworn to testify
10 to the truth, the whole truth, and nothing but the truth;
11 and that the testimony of the witness and all objections
12 made at the time of the examination were recorded by voice
13 recognition by me, and thereafter transcribed under my
14 direction;

15 That the foregoing transcript is a true record of the
16 testimony given by the witness and of all objections made
at the time of the examination, to the best of my ability.

17 I further certify that I am in no way related to any
18 party to this matter nor to any of counsel, nor do I have
any interest in the matter.

19 Witness my hand and seal this the 8th day of May,
2006.

20 _____
21 CARL T. BECK, Notary
22 Public in and for the State
23 Of Washington, residing at
24 King. Commission expires
25 June 26, 2007